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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,435	02/08/2002	Jason C. Shermer	0275S-000563	2587
27572	7590	05/04/2004	EXAMINER	
HARNESSE, DICKEY & PIERCE, P.L.C.			RHEE, JANE J	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

1772

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/072,435	Applicant(s) SHERMER ET AL.	
	Examiner Jane J Rhee	Art Unit 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/04 has been entered.

Withdrawn Rejections

2. The 35 U.S.C. 102 (b) rejection anticipated by Martin et al. of claims 1,7-17 has been withdrawn due to applicant's amendment in response 2/24/04.
3. The 35 U.S.C. 103 (a) rejection over Longstaff et al. in view of Martin et al. of claims 1-20 has been withdrawn due to applicant's amendment in response to 2/24/04.

The following are new grounds of rejection for the newly presented claims 1-20 in amendment filed on 2/24/04.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. The body of the claim needs to include that the abrasive material is disposed on the sheet.

New Rejections

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longstaff et al. (Des 389388) in view of Pearce (5367839) and in further view of Martin et al. (5879227).

Longstaff et al. discloses a sheet material having a body portion (figure 2) and a tip portion (figure 2, one of the three squares on the left), the body portion being provided with a first configuration adapted to be used with a first platent configuration (figure 1). Longstaff et al. discloses that the sheet material includes a body portion and a tip portion and a replacement tip portion, the body portion and tip portions having varying configurations defined by second and third segments drawn on the sheet (figure 1).

Longstaff et al. fail to disclose that tip portion being separated from the body portion and defining a separate region of the sheet material relative to the body portion. Longstaff et al. fail to disclose that the first segment and second segment defines

regions of weakened material wherein the sheet material is adapted to be separated along the first and second segments to change a configuration of the body portion sheet material to correspond with a second and third different configured patent.

Longstaff et al. fail to disclose that the second and third segments define regions of weakened material, wherein the sheet material is adapted to be separated along the second segments to separate a first tip portion, having a first tip configuration, from a first body portion having a first body configuration and the sheet material is adapted to be selectively separated along the third segments to separate a second tip portion, having a second tip configuration different from the first configuration from a second body portion having a second body configuration different from the first body configuration. Longstaff et al. fail to disclose that the first and second tip configurations have different sizes. Longstaff et al. fail to disclose that the first and second tip configurations have different shapes.

Longstaff et al. fail to disclose the first configuration of the sheet material is iron shaped, and that the tip portion that has at least one side, which is in position adjacent to the body portion and that the body portion is produced in an iron shaped sheet. Longstaff et al. fail to disclose the sheet material that includes a body portion and a tip portion separated by a second segment defining regions of weakened material wherein the tip portion can be separated from the body portion, turned through an angle and repositioned adjacent the body portion to change a working point of the tip portion and that the tip portion has four sides. Longstaff et al. fail to disclose attachment means that includes hook and loop fastening systems for attaching one face of the sheet material to

a patent. Longstaff et al. fail to disclose an abrasive material disposed on a second face of the sheet. Longstaff et al. fail to disclose the weakened material that include perforations and that the regions of weakened material include score line drawn on the sheet material.

Pearce teaches first (figure 4 number 32) and second segments (figure 4 number 32') defining regions of weakened material wherein the sheet is adapted to be separated along the first and second segments to change a configuration of the body portion to correspond with a second and a third differently configured patent for the purpose of corresponding with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with first and second segments defining regions of weakened material wherein the sheet is adapted to be separated along the first and second segments to change a configuration of the body portion to correspond with a second and a third differently configured patent in order to correspond with a plurality of different sanding machines within the size range for that sheet (col. 2 lines 60-62) as taught by Pearce.

Martin et al. teaches that tip portion being separated from the body portion and defining a separate region of the sheet material relative to the body portion for the purpose of rotating the tip portion to provide a new unworn point (col. 3 line 1-2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with tip portion being

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separated from the body portion and defining a separate region of the sheet material relative to the body portion in order to rotate the tip portion to provide a new unworn point (col. 3 line 1-2) as taught by Martin et al.

Martin et al. teaches that the sheet material includes a body portion and a tip portion separated by a second segment defining regions of weakened material wherein the tip portion can be separated from the body portion, turned through an angle and repositioned adjacent the body portion to change a working point of the tip portion (col. 3 lines 1-4) and that the tip portion has four sides (figure 2 number 26) or three sides for the purpose of providing a new unworn point (col. 3 line 4).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with the sheet material that includes a body portion and a tip portion separated by a second segment defining regions of weakened material wherein the tip portion can be separated from the body portion, turned through an angle and repositioned adjacent the body portion to change a working point of the tip portion and that the tip portion has four sides in order to provide a new unworn point (col. 3 line 4) as taught by Martin et al.

Also, since Martin et al. teaches that the tip portion can be separated by segments defining regions of weakened material wherein the tip portion can be separated from the body portion, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with the second and third segments that define regions of weakened material wherein the sheet material is adapted to be separated along the second segments to separate a first tip

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portion, having a first tip configuration, from a first body portion having a first body configuration and the sheet material is adapted to be selectively separated along the third segments to separate a second tip portion, having a second tip configuration different from the first configuration from a second body portion having a second body configuration different from the first body configuration for the purpose of providing a new unworn point (col. 3 line 4).

Furthermore, it would be obvious to one skilled in the art at the time applicant's invention was made to provide Longstaff et al. with the first and second tip configurations to have different sizes and different shapes since Martin et al. teaches weakened regions to separate the tip from the body, the weakened regions in Longstaff's sheet would therefore create the first and second tip configurations to have different sizes and shapes.

Martin et al. teaches that the first configuration of the sheet material is iron shaped (figure 2) for the purpose of providing detailed sanding and general flat sanding (col. 1 lines 33-35).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with the first configuration of the sheet material is iron shaped in order to provide detailed sanding and general flat sanding (col. 1 lines 33-35) as taught by Martin et al.

Martin et al. teaches attachments means that includes hook and loop fastening systems (col. 2 lines 25-28) for attaching one face of the sheet material to a patent (col.

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2 lines 25-28) for the purpose of attaching the abrasive sheet to the surface (col. 2 lines 25-26).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with attachment means that includes hook and loop fastening systems for attaching one face of the sheet material to a platent in order to attach the abrasive sheet to the surface (col. 2 lines 25-26) as taught by Martin et al.

Martin et al. teaches an abrasive material disposed on a second face of the sheet material (figure 2 number 22) for the purpose of providing a sanding apparatus (col. 1 lines 43).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with an abrasive material disposed on a second face of the sheet material in order to provide a sanding apparatus (col. 1 lines 43) as taught by Martin et al.

Martin et al. teaches that the weakened material include perforations (figure 2 number 24) and that the regions of weakened material include score line drawn on the sheet material (figure 2 number 24) for the purpose of detaching the tip portion from the sanding platen (col. 3 line 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with the weakened material that include perforations and that the regions of weakened material include

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score line drawn on the sheet material in order to detach the tip portion from the sanding platen (col. 3 line 1) as taught by Martin et al.

Martin et al. teaches that the tip portion has at least one side, which is in position adjacent to the body portion and that the body portion is produced in an iron shaped sheet for the purpose of providing accesses to corners (col. 1 lines 30-33).

Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide Longstaff et al. with the tip portion that has at least one side, which is in position adjacent to the body portion and that the body portion is produced in an iron shaped sheet in order to provide accesses to corners (col. 1 lines 30-33) as taught by Martin et al.

Response to Arguments

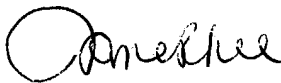
6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

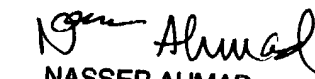
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jane J Rhee whose telephone number is 571-272-1499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Ahmad can be reached on 571-272-1487. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jane Rhee
April 22, 2004



NASSER AHMAD
PRIMARY EXAMINER